

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|                                |   |                            |
|--------------------------------|---|----------------------------|
| NetJets, Inc., <i>et al.</i> , | : |                            |
| Plaintiffs                     | : | Civil Action 2:12-cv-00059 |
| v.                             | : | Judge Frost                |
| IntelliJet Group, LLC,         | : | Magistrate Judge Abel      |
| Defendant                      | : |                            |

**ORDER**

On January 15, 2013, counsel participated in a telephone conference with me concerning the deposition of NetJets, Inc. ("NetJets") Rule 30(b)(6) witness, a marketing representative. IntelliJet Group, LLC ("IntelliJet") served its second set of discovery requests on November 20<sup>th</sup>. Production was delayed until January 7<sup>th</sup>. When NetJets made its production, the responses did not include all the documents IntelliJet sought concerning the marketing of the NetJets mark. The Rule 30(b)(6) notice asked for a representative to testify regarding the marketing of the IntelliJet mark, not the NetJets mark. IntelliJet wants to compare the money spent on marketing the NetJets mark versus the money spent on the IntelliJet mark.

NetJets will provide a sample marketing agreement for the IntelliJet mark. The NetJets representative will be prepared to testify regarding the amount of the global marketing budget and the line item for marketing the NetJets mark, if there is one.

It is ORDERED that the Rule 30(b)(6) deposition will go forward as scheduled. The NetJets representative must answer questions concerning the NetJets mark that she can respond to based on her personal knowledge, or if she can easily access the information during the deposition, through computer databases. If the representative is unable to answer relevant question regarding the NetJets mark, then the Rule 30(b)(6) deposition will be resumed at NetJets' expense to obtain answers to relevant, and not burdensome or otherwise objectionable under Rule 26(b)(2)(C), questions regarding the NetJets mark.

Under the provisions of 28 U.S.C. §636(b)(1)(A), Rule 72(a), Fed. R. Civ. P., and Eastern Division Order No. 91-3, pt. F, 5, either party may, within fourteen (14) days after this Order is filed, file and serve on the opposing party a motion for reconsideration by the District Judge. The motion must specifically designate the Order, or part thereof, in question and the basis for any objection thereto. The District Judge, upon consideration of the motion, shall set aside any part of this Order found to be clearly erroneous or contrary to law.

s/Mark R. Abel  
United States Magistrate Judge